

THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 02-3725

DARRELL G. OBER

v.

PAUL J. EVANKO, MARK CAMPBELL, THOMAS COURY,
JOSEPH WESTCOTT, HAWTHORNE CONLEY

Paul J. Evanko, Thomas Coury,
Joseph Westcott and Hawthorne Conley,

Appellants

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

District Judge: The Honorable William W. Caldwell
(D.C. Civil Number 01-00084)

Submitted Under Third Circuit LAR 34.1(a)
July 11, 2003

BEFORE: NYGAARD and SMITH, Circuit Judges and IRENAS,¹ Senior District Judge.

JUDGMENT

¹Honorable Joseph E. Irenas, Senior United States District Judge for the District of New Jersey, sitting by designation.

This cause came to be considered on the record from the United States District Court for the Middle District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a) on July 11, 2003.

On consideration whereof, it is now here ORDERED AND ADJUDGED by this Court that the portion of the Order and Opinion of the said District Court entered on August 27, 2002 denying Appellants' Motion for Summary Judgment, be, and the same is hereby, reversed and remanded to the District Court for action consistent with the opinion of this Court.

All of the above in accordance with the opinion of this Court.

ATTEST:

Marcie M. Waldron

Clerk

Date: October 21, 2003

Certified as a true copy and issued in lieu
of a formal mandate on 25 NOV 2003

Marcie M. Waldron
Teste:
Clerk, U.S. Court of Appeals for the Third Circuit